CHAPTER XI

JUDICIAL POWER[1]

THE PHILIPPINE JUDICIARY

IT can be stated without fear of successful contradiction that no jurisdiction under the American flag has exhibited so many unique legal features as the Philippines. To mention a few: (i) the appointment of judges to serve practically for life} (2) the absence of the jury system, placing on the trial judge the burden of deciding both the facts and the law$ (3) the sanction of two official court languages, English and Spanish, and the constant necessity to interpret from the vernacular to one of these languages 5 (4) a Supreme Court of eleven members, with revisory powers, deciding over two thousand cases annually; (5) the interpretation and enforcement of an amalgamated civil law-common law with appended Mohammedan law and customary law, and (6) the use of the Torrens and Cadastral systems of trying titles to lands. With reference to these six topics, I cannot recall that anyone has ever arisen to advocate seriously the election of judges in the Philippines, or the implantation of the jury system. The dual use of English and Spanish in the courts seems a necessary evil, made so because of the lack of determination to insist on English exclusively.

The last three subjects will be discussed in succeeding sections of this chapter.

Judicial power in the Philippines is confided to the Supreme Court of the Philippines, various courts of first instance, numerous justice of the peace courts, and the municipal

[1] **This chapter was read by Hon. Jose Yulo, Secretary of Justice.**